IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPlICATION NO. 649 OF 2007

APPASO @ DILIP HANMANT BARKADE

& ORS. ..APPLICANTS

V/S

THE STATE OF MAHARASHTRA ..RESPONDENTS

MR. DILIP BODAKE, ADVOCATE FOR THE APPELLANTS.

MR. D.P. ADSULE APP.

CORAM: J.H. BHATIA, J.

DATE : 18TH JUNE, 2007.

P.C.

1. Heard Mr. Dilip Bodake, learned counsel for the Appellants and Mr. D.P. Adsule APP, for the State.

2. The Applicants, who are original accused Nos. 1 to 3, were convicted for the offence punishable under section 307 r/w 34 of IPC and sentenced to undergo R.I. for three years and to pay fine of Rs. 300/- each. They were also convicted for charges under section 452, 323 r/w 34 of IPC and separate sentence was awarded to them. Applicants have filed an appeal against the conviction and sentence, which is admitted.

3. The injured and the accused appear to be relatives and some quarrel had taken place because of certain

dispute pertaining to partition. The Applicants were on bail during the trial and there is no allegation of misuse of the same. After conviction, the trial court suspended the execution of the sentence under section 389 of Cr. P.C.

4. Taking into consideration these facts and short period of sentence, the Applicants are granted bail on same terms and conditions as before the trial court subject to their furnishing fresh bail bonds and depositing fine amount.

(J.H. BHATIA, J.)